

FILED

JUN 13 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 16-90074

ORDER

THOMAS, Chief Judge:

Complainants, debtors in a Chapter 11 bankruptcy proceeding, allege that a bankruptcy judge made various improper procedural and substantive rulings in the underlying adversary proceeding. These allegations relate directly to the merits of the judge's rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainants further allege that the judge was biased against them. However, adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii);. In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainants allege that the judge made disparaging remarks toward witnesses, and made other statements during the underlying proceedings that show he is racist. A review of the record, including the transcripts and audio recordings of the relevant hearings, belie these allegations, which are dismissed as unfounded and conclusively refuted by objective evidence. See 28 U.S.C. §§ 352(b)(1)(A)(iii), 352(b)(1)(B); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.